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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

THE PEOPLE,

Plaintiff and Respondent,

v.

ANDRES GARCIA,

Defendant and Appellant.

B247999

(Los Angeles County
Super. Ct. Nos. NA088395)

APPEAL from a judgment of the Superior Court of Los Angeles County.
Brian J. Back, Judge. Affirmed.

David H. Goodwin, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Respondent.

Andres Garcia was convicted of five counts of committing forcible lewd acts upon a child, and sentenced to 20 years in state prison. (Pen. Code, § 288, subd. (b)(1).) In a prior appeal we modified defendant's sentence to impose five consecutive five-year terms for each conviction, increasing his total sentence to 25 years in state prison. In all other respects we affirmed the judgment. Following remittitur, the trial court modified the sentence as directed by this court. This appeal followed. We affirm.

FACTS

We detailed the underlying facts in the prior nonpublished opinion. (*People v. Garcia* (Aug. 28, 2012, B237667 [nonpub. opn.].) Those facts are not at issue here. In our previous decision we modified the judgment to impose five consecutive five-year terms for each conviction. At a subsequent re-sentencing hearing, defense counsel argued this court's opinion as to sentencing was incorrect. The trial court modified the sentence as we had directed, and advised defendant of his right to seek review in the California Supreme Court.¹

DISCUSSION

Appellant filed a timely notice of appeal. We appointed appellate defense counsel. On June 12, 2013, appellant's appointed counsel filed an opening brief raising no issues pursuant to *People v. Wende* (1979) 25 Cal.3d 436. On the same day, we notified appellant by letter that he could submit within 30 days any ground of appeal, contention, or argument which he wished us to consider. Appellant has not filed a response. We have independently reviewed the record submitted on appeal, and are satisfied that appellant's appointed counsel has fulfilled his duty, and that no arguable issues exist. (See *People v. Wende, supra*, 25 Cal.3d 436, *People v. Kelly* (2006) 40 Cal.4th 106.)

¹ We note defendant sought review in the California Supreme Court on the issue of whether the trial court erred in imposing multiple punishments under Penal Code sections 654 and 667.61. In November 2012, the court denied defendant's petition for review.

DISPOSITION

The judgment is affirmed.

BIGELOW, P. J.

We concur:

RUBIN, J.

GRIMES, J.